

ORAL ARGUMENT NOT YET SCHEDULED

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

COALITION FOR RESPONSIBLE REGULATION, et al.,)	
)	
Petitioners,	)	No. 10-1035
	)	Consolidated under
v.	)	09-1322 with:
	)	10-1024, 10-1025,
	)	10-1026, 10-1030,
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,	)	10-1036, 10-1037,
	)	10-1038, 10-1039,
	)	10-1040, 10-1041,
Respondent.	)	10-1042, 10-1044,
	)	10-1045, 10-1046,
	)	10-1049

**PROVISIONAL CERTIFICATE OF PARTIES AND AMICI CURIAE
PURSUANT TO CIRCUIT RULE 28(a)(1)(A)**

Pursuant to Circuit Rules 15, 27(a)(4) and 28(a)(1)(A), Petitioners in case 10-1035 U.S. Representatives John Linder, Dana Rohrabacher, John Shimkus, Phil Gingrey, Lynn Westmoreland, Tom Price, Paul Broun, Steve King, Nathan Deal, Jack Kingston, Michele Bachmann, and Kevin Brady, the Langdale Company, Langdale Forest Products Company, Langdale Farms, LLC, Langdale Fuel Company, Langdale Chevrolet-Pontiac, Inc., Langdale Ford Company, Langboard, Inc.-MDF, Langboard, Inc.-OSB, Georgia Motor Trucking Association, Inc., Collins Industries, Inc., Collins Trucking Company, Inc., Kennesaw Transportation, Inc., J&M Tank Lines, Inc., Southeast Trailer Mart, Inc., Georgia Agribusiness

Council, Inc., and Southeastern Legal Foundation, Inc. submit this provisional certificate as to parties and *amici curiae*.

A. Parties and Amici. Because these consolidated cases involve direct review of final agency action, the requirement to furnish a list of parties, intervenors and *amici* that appeared below is inapplicable. In addition to the above-named Petitioners, these cases involve the following parties:

Petitioners

The Petitioners in No. 09-1322 are the Coalition for Responsible Regulation, Inc., Industrial Minerals Association-North America, National Cattlemen's Beef Association, Great Northern Project Development, L.P., Rosebud Mining Company, Massey Energy Services, and Alpha Natural Resources, Inc.

The Petitioner in No. 10-1024 is the National Mining Association.

The Petitioner in No. 10-1025 is the Peabody Energy Company.

The Petitioner in No. 10-1026 is the American Farm Bureau Federation.

The Petitioner in No. 10-1030 is the Chamber of Commerce of the United States of America.

The Petitioners in No. 10-1035 are U.S. Representatives John Linder, Dana Rohrabacher, John Shimkus, Phil Gingrey, Lynn Westmoreland, Tom Price, Paul Broun, Steve King, Nathan Deal, Jack Kingston, Michele Bachmann, and Kevin Brady, and Southeastern Legal Foundation, Inc., the Langdale Company, Langdale

Forest Products Company, Langdale Farms, LLC, Langdale Fuel Company, Langdale Chevrolet-Pontiac, Inc., Langdale Ford Company, Langboard, Inc.-MDF, Langboard, Inc.-OSB, Georgia Motor Trucking Association, Inc., Collins Industries, Inc., Collins Trucking Company, Inc., Kennesaw Transportation, Inc., J&M Tank Lines, Inc., Southeast Trailer Mart, Inc., and Georgia Agribusiness Council, Inc.

The Petitioner in No. 10-1036 is the Commonwealth of Virginia *ex rel.* Attorney General Kenneth T. Cuccinelli.

The Petitioner in No. 10-1037 is the Gerdau Ameristeel Corporation.

The Petitioner in No. 10-1038 is the American Iron and Steel Institute.

The Petitioner in No. 10-1039 is the State of Alabama.

The Petitioner in No. 10-1040 is the Ohio Coal Association.

The Petitioners in No. 10-1041 are the State of Texas, Governor Rick Perry, Attorney General Greg Abbott, the Texas Commission on Environmental Quality, the Texas Agriculture Commission, and Barry Smitherman, Chairman of the Texas Public Utility Commission.

The Petitioner in No. 10-1042 is the Utility Air Regulatory Group.

The Petitioners in No. 10-1044 are the National Association of Manufacturers, American Petroleum Institute, Brick Industry Association, Corn Refiners Association, National Association of Home Builders, National Oilseed

Processors Association, National Petrochemical and Refiners Association, and Western States Petroleum Association.

The Petitioners in No. 10-1045 are the Competitive Enterprise Institute, Freedomworks, and the Science and Environmental Policy Project.

The Petitioner in No. 10-1046 is the Portland Cement Association.

The Petitioners in No. 10-1049 are the Alliance for Natural Climate Change Science and William Orr.

Respondent

The U. S. Environmental Protection Agency (“EPA”) is the Respondent in the consolidated cases.

Intervenors and Amici

The State of Alaska moved for leave to intervene in support of the Respondent in case number 10-1030. The Portland Cement Association moved for leave to intervene on behalf of Petitioners in the consolidated cases.

The following parties have moved for leave to intervene in support of the Respondent in the consolidated cases:

The States of Arizona, California, Connecticut, Delaware, Illinois, Iowa, Maine, Maryland, New Hampshire, New Mexico, New York, Rhode Island, Oregon, Vermont, and Washington, and the Commonwealth of Massachusetts, the City of New York.

Additional parties moving for leave to intervene in support of the Respondent in the consolidated cases are: the Sierra Club, the Environmental Defense Fund, the National Wildlife Federation, and the Natural Resources Defense Council.

Also, the Conservation Law Foundation has filed a motion for leave to intervene in support of the Respondent in the consolidated cases.

The Pennsylvania DEP and the State of Minnesota filed a joint motion for leave to intervene in support of the Respondent in the consolidated cases.

Wetlands Watch filed a motion for leave to intervene in support of the Respondent in the consolidated cases, as has the State of Michigan – Attorney General Michael A. Cox.

Glass Packaging Institute and Aligned Industry Associations and Chambers of Commerce (which includes the following entities: Independent Petroleum Association of America, Louisiana Oil and Gas Association, North American Die Casting Association, Steel Manufacturers Association, National Electrical Manufacturers Association, Michigan Manufacturers Association, Indiana Cast Metals Association, Virginia Manufacturers Association, Colorado Association of Commerce and Industry, Tennessee Chamber of Commerce and Industry, West Virginia Manufacturers Association, the Kansas Chamber of Commerce and Industry, Idaho Association of Commerce and Industry, Pennsylvania Manufacturers Association, The Ohio Manufacturers Association, Wisconsin

Manufacturers and Commerce, Nebraska Chamber of Commerce and Industry, Arkansas State Chamber of Commerce, Associated Industries of Arkansas, Mississippi Manufacturers Association) also filed a motion for leave to intervene in support of the Petitioners in the consolidated cases.

Other parties moving for leave to intervene in support of the Petitioners in the consolidated cases are:

The States of Nebraska, Florida, Hawaii, Indiana, Kentucky, Louisiana, Governor Haley Barbour for the State of Mississippi, States of North Dakota, Oklahoma, South Carolina, South Dakota, and Utah.

The Mountain States Legal Foundation has been granted leave to participate as *amicus curiae* for Petitioners in the consolidated cases.

The National Federation of Independent Business Small Business Legal Center has been granted leave to participate as *amicus curiae* for Petitioners in the consolidated cases.

The Union of Concerned Scientists has been granted leave to participate as *amicus curiae* on behalf of Respondent in the consolidated cases.

Atlantic Legal Foundation has a motion pending for leave to participate as *amicus curiae* on behalf of Respondent in the consolidated cases.

Landmark Legal Foundation has been granted leave to participate as *amicus curiae* in the consolidated cases.

Otherwise, at this time, to the knowledge of undersigned counsel, there are no other intervenors or *amici* in these consolidated cases.

This 15th day of April 2010.

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on April 15, 2010, I electronically filed the foregoing “Provisional Certificate of Parties and Amicus Curiae Pursuant to Circuit Rule 28(a)(1)(A)” using the Court’s ECF system, and thereby caused it to be served by electronic transmission to counsel of record that are registered to use the Court’s CM/ECF system. All counsel not registered with the Court’s CM/ECF system were served via first-class postage paid mail.

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